

MEMORANDUM OF FELONY PROCEEDINGS

Honorable Richard L. Hodge, Presiding

CASE NO.: 1:05-MJ-44 (RLH)

Courtroom Deputy: Wanda K. Sanders

Court Reporter: Tape Recorder

AUSA: Leah McEwen

Interpreter: _____

USPO: Scott Howell

ARREST DATE: 10/6/05

UNITED STATES OF AMERICA vs. Sergio Rios

DEF. ATTY.: Phil Carson Retained ☐ CJA ☒

11:00
11:35

I. INITIAL APPEARANCE HEARING

- ☒ Hearing begun 10/7/05 continued to _____
- ☒ Defendant advised of legal and constitutional rights.
- ☒ Defendant informed of charges against him/her and of maximum possible penalty upon conviction or plea of guilty.
- _____ Motion for Pretrial Detention by government:
- _____ ☐ oral in open court ☐ in writing filed with court
- _____ Bond/Pretrial Detention Hearing held (See II. below)
- _____ Bond/Pretrial Detention Hearing continued to _____ at _____ o'clock _____ M. under 18 U.S.C. § 3142(f) upon motion of ☐ government ☐ defendant.
- _____ Temporary detention ordered under § 3142(d).
- _____ Temporary detention ordered pending further hearing.

Filed at 11:35 AM
10/7/2005
DEPUTY CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

II. BOND/PRETRIAL DETENTION HEARING

- _____ ORDER OF RELEASE entered _____.
- _____ Defendant released on own recognizance.
- _____ Bond set at \$ _____
- _____ ☐ Unsecured
- _____ ☐ Secured by cash or approved real estate, commercial bond, or other sureties and/or securities.
- _____ ☐ Secured by the amount set forth above but defendant may satisfy same by posting _____ % in the form of a CERTIFIED BANK CHECK or MONEY ORDER with the Clerk.
- _____ Other Conditions of Release:
- _____ ☐ Travel restricted to _____
- _____ ☐ Bond Supervision by U.S. Probation Office/Pretrial Services, including right to conduct alcohol/drug screening and testing.
- _____ ☐ Surrender of passport
- _____ ☐ Possess no firearms
- _____ ☐ Other: _____

_____ Defendant advised of penalties and sanctions.

MOTION FOR PRETRIAL DETENTION: Hearing held _____

AUSA: _____ Def. Atty.: _____

Motion ☐ Granted ☐ Denied

PRETRIAL DETENTION ORDERED - U.S. Marshal directed to hold defendant in custody (written order to follow).

III. PRELIMINARY HEARING

Preliminary hearing set for _____

Preliminary hearing WAIVED by defendant - WAIVER filed.

Preliminary hearing held: _____

☐ Probable cause found ☐ Probable cause not found

IV. REMOVAL HEARING (RULE 40)

☒ Initial Appearance held 10/7/05 (See I. above)

☒ Defendant WAIVES removal hearing (✓) as to identity only.
WAIVER filed.

☒ REMOVAL HEARING HELD - defendant identified as same person charged in indictment/complaint in district of prosecution.

REMOVAL HEARING HELD - identity not established.

☒ Defendant requests preliminary hearing in district of prosecution.

Defendant requests preliminary hearing in this district.

Preliminary hearing held (See III. above).

No preliminary hearing required - proceeding on indictment.

BOND/DETENTION (See II. above).

☒ Defendant advised of provisions of Rule 20 of the Federal Rules of Criminal Procedure.

☒ Defendant ordered REMOVED to Middle District of Alabama.
☐ subject to ability to satisfy conditions of release.

Removal DENIED.

V. ARRAIGNMENT

At time of initial appearance _____ On _____

Defendant's counsel present _____ Defendant's counsel absent _____

Defendant advised of charges and maximum possible penalties.

Defendant WAIVED formal reading of indictment/information and entered a plea of NOT GUILTY in writing.

STANDARD PRETRIAL ORDER to be entered by court.

NOTICE OF ESTIMATED SENTENCING GUIDELINE RANGE given to defendant's counsel.